HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No. 753 of 2007

Between:

M/s. Sri Vishnu Cements Ltd.,
Represented by its Managing Director,
M. Canappeli, Dondapadu Village,
Mellacheruvu Mandal, Nalgonda District

… Appellant

And

The Mandal Revenue Officer,
Mellacheruvu Mandal, Mellacheruvu,
Nalgonda District and another

… Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri C. Ramachandra Raju

20th September, 2007

Per G.S. Singhvi, CJ

This appeal is directed against order dated 28-4-2006 passed by the learned Single Judge in Writ Petition No. 3263 of 2005.

After the learned counsel had made his submissions, we pointed out that the writ petition instituted by his client suffered from the fatal defect of not challenging order dated 20-09-1994 passed by Mandal Revenue Officer, Mallacheruvu Mandal, Mallacheruvu, Nalgonda District despite the fact that while disposing of Contempt Case No. 610 of 1994, the learned Single Judge had given it liberty to challenge that order. Upon this, learned counsel came up with the request that his client may be permitted to withdraw this appeal along with Writ Petition No. 3263 of 2005 with liberty to file fresh writ petition

so as to challenge order dated 20-9-1994.

In the peculiar facts of the case, we accept the unusual request and grant leave to the appellant to withdraw this appeal along with Writ Petition No. 3263 of 2005 with liberty to file fresh writ petition on the same cause and also challenge order dated
20-9-1994 passed by the Mandal Revenue Officer.

As a sequel to the above, WPMP No.4410 of 2005 and WVMP Nos.1026 and 1733 of 2005 in Writ Petition No. 3263 of 2005 and WAMP No. 1509 of 2007 in Writ Appeal No. 753 of 2007 are also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

September 20, 2007
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